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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Li-Ming Cheng

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INTELLECTUAL PROPERTY ATTORNEYS

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/743,178

**Applicant(s)**

CHENG ET AL.

**Examiner**

Blair M. Johnson

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 50-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-55, 58-65 and 67-73 is/are rejected.
- 7) ☒ Claim(s) 56, 57 and 66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

Claims 70-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 70, the recitation of "the first pulley rotors" is ambiguous since only one first rotor has been recited. The same is true for "the second pulley rotors" in claim 71. In claim 72, there is no antecedent basis for "the consecutive alignment".

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second secondary line (claim 61) and the multiple laps (claims 70-73) must be shown or the feature(s) canceled from the claim(s). Also not shown in the drawings is fastener 201, not recited in the claims but mentioned on the specification on page 11. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

Claims 50-55,58 and 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gertz on in view of Kuhar '100.

Gertz on discloses an upper longitudinally extending, straight channel 10 and a lower member, either the lowest slat or a well known bottom rail, suspended by primary lines 33 and secondary line 17, and four pulleys 34,35, over which the cords traverse. The location of the connection between lines 33 and line 17, as well as the movement of the connection over pulleys, is clearly an obvious design modification based on headrail size, blind length, number of pulleys, etc. What is not shown is the dual rotors and spring retraction system in a housing in the channel. However, such is well known in the art, as illustrated by Kuhar. It would have been obvious to modify Gertz on by replacing the hanging portion of the manual, exposed, pull cord end 17 with the retraction means taught by Kuhar so as to create a balanced system as well as to remove the safety hazard inherent in the hanging cord 17. The location of the dual rotor member would be at the cord lock 13,14,16, etc. Regarding claim 65, the "secondary rotor member" reads on one of the pulleys in the headrail. Regarding claims 70-73, to entrain the cords

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around the rotors numerous times merely duplicates the arrangement in Gertzson and would have been obvious so as to permit more cord to be wrapped on the spring motor (or go through the cord lock of Gertzson) without the coupling encountering the spring motor (or cord lock).

***Allowable Subject Matter***

Claims 56,57 and 66 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 70-73 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive.

The affidavit of Mr. Zerg has been considered and appreciated, but it is not persuasive. Low costs, lighter weight, and fewer components are indicated as desirable characteristics achieved by Applicant and not present in the prior art. However, such features are not claimed and would be difficult to claim. Recited are lines, rotors and a spring motor. These things are present in the prior art as applied. Nothing in the recitation of these elements limits them regarding the low costs, etc. Mr. Zerg asserts that one would not provide Gertzson with a spring motor cord storage system of Kuhar. Quite to the contrary, the desire to alleviate the dangling pull cord of Gertzson is exactly what led to the now widespread use of spring motors and storage spools for the lift cords. Not only is such a combination obvious without a specific teaching to combine,

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but Kuhar provides a specific teaching to combine, which is to replace the hanging pull cord of a blind. This is a well motivated combination of teachings.

Applicant's remarks are similar to that of Mr. Zerg's. In addition, Applicant states that replacing the cord lock of Gertzson with a spring motor would destroy Gertzson. If this is true, any combination of teachings proposed 103 rejections would "destroy" the primary reference. Obviously, this is not the case.

The declaration by Mr. Swart is not persuasive. It appears that the success is a result of switching the main product from vinyl roller shades to pleated shades. This is a reflection of the entire market, which made a similar shift, and not in the currently claimed details of the blind.

The declaration by Applicant, as well as by Mr. Chao, is not persuasive. By stating that he would not have made such a combination of references as proposed had he been aware of the references constitutes a form of "hindsight". Also, Applicant's motivation to combine does not have to be the same as proposed by the Examiner, which is to alleviate the need for a hanging pull cord.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
9/21/07